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NOTES AND DOCUMENTS

THE FIRST COUNCIL OF THE AMERICAN CITY OF BATON ROUGE

The site of Baton Rouge was visited and named by Iberville, St. Patrick's day, 1699.¹ A little later, the tract on which the city now stands was granted to Diron d'Artaguet, but when the first settlement was made, is not known. The earliest references, about 1719-1723, speak of it as already an established post. The tradition is that it is older than New Orleans (settled in 1718), but this cannot be established as a fact. Certainly, until 1763, it was part of the French colony of Louisiana. In that year the Bourbon lilies gave place to the scarlet banner of England, and Baton Rouge became "Fort Richmond." Galvez and his American backwoodsmen allies seized the fort in 1779; this was the only engagement of the revolution upon Louisiana's soil. The saffron and red flag of St. James replaced that of St. George, and continued to wave until September 23, 1810, when the fort was captured by forces of the Republic of West Florida, under General Philemon Thomas. The first "lone star" flag now floated over Baton Rouge, the ensign of the West Florida republic being a blue woollen flag with one white star in the center. When West Florida applied for annexation to the United States, President Madison replied that it was part of the Louisiana purchase. Governor Claiborne accordingly extended his authority over it, and as part of the territory of Orleans, Baton Rouge was under the stars and stripes, her fifth flag in less than a century.

During this time, there was no municipal government in Baton Rouge. It was governed by the commandant of the post there, be he French, English, Spanish, or American. But on January 16, 1817, Governor James Villere approved an act of the state legislature, providing for the election of five "select-

¹ Abstract of a report to the Historical society of East and West Baton Rouge, by Milledge L. Bonham, Jr., of the Louisiana state university.

men," who were to be the council of the "town of Baton Rouge" whose limits were prescribed by the act. The act also defined carefully the duties of the selectmen, and amounted practically to a municipal charter. The election was set for the first Monday of April, 1817, and of each succeeding year. On the following Monday, the selectmen were to meet and organize by electing one of their number president or "town magistrate." They had power to pass necessary ordinances, levy certain taxes, work the roads, control the ferry, issue licenses, elect a clerk, a treasurer, a constable, and to perform other duties. Only inhabitants of the parish, with a freehold of at least \$500 therein, were eligible for the office of selectmen. An act of 1822 made the "magistrate" elective by the voters instead of by the selectmen.

In the fireproof vault of the commissioner of finance in the Baton Rouge city hall, is preserved the minute book of the first board of selectmen. The first entry shows that there was no meeting until the second Monday in April, 1818, when four selectmen, Peter DuBoyle, William Williams, Hugh Crawford, and J. P. Mitchel, qualified, and elected Williams "town magistrate." Thomas C. Stanard was elected clerk, D. E. Pintado treasurer, and Pierre Jantino constable. The board adjourned until Thursday, April 16, 1818, on which date John Billeivre, the fifth selectman, appeared and qualified.

The same day, the board enacted its first ordinance, which levied a tax of five dollars per month upon all persons bringing goods into the city for sale, and one of ten dollars per month for selling goods to boats and vehicles passing by or through the city. Clearly this was an indirect export duty.

Just why the board did not meet until April, 1818, when the statute specified 1817, is at present a mystery. Not even the date of their election is certain, but presumably it was the first Monday in April, which was the sixth. Perhaps an overflow of the river, or an epidemic prevented the holding of the election in 1817.

As to the personnel of the first board, only a few items can be collected. William Williams was said to be of a tory family that had sought refuge in West Florida during the revolution. No descendant of his now survives. Hugh Crawford had been one of the officials of the junto of the West Florida revolution. He was long a notary in Baton Rouge, and prominent in public

affairs. It is said that J. P. Mitchel had been one of Lafitte's men who had participated in the battle of New Orleans. Having received the pardons of President Madison and Governor Claiborne, he settled in Baton Rouge. About the other two selectmen, no data are available.

When Baton Rouge decided to celebrate the centennial of its incorporation on Tuesday, January 16, 1917, the question arose as to whether that or April 13, 1918, would be the proper date. The head of the department of political science of Louisiana state university points out that as a general principle, a municipality comes into being on the date of issue of its charter. But in the case of Baton Rouge, no formal charter was ever issued. The statute providing for the election of selectmen, as we have seen, was practically a charter, marking out the limits of the town, prescribing the qualifications of electors and officials, the rights, duties, and limitations of the latter. In such a case, the dean of the law school concurs with the professor of political science, the municipality would come into being on the date of promulgation of the statute. The Louisiana courts have not passed upon this point, but in an almost identical case, the supreme court of Massachusetts so held. We are justified, then, as a matter of history, of law, of equity, and of common sense, in considering January 16, 1817, as the day of birth of the American municipality of Baton Rouge; April 13, 1818, was the day on which the year old infant was christened, the selectmen being her sponsors.

In conclusion, it may be noted that of the original board, President Williams was the only one reëlected. The records do not show whether or not the others were candidates. The last minute in the book is for April 7, 1820, probably the last meeting of the second board. It is also of interest to note that the town was so small that five lamps were deemed sufficient for its illumination. These were located not by street names, of which there seem to have been none, but opposite this one's residence or at the corner by that one's store.²

² On the general subject, see Alceé Fortier, *History of Louisiana* (New York, 1904), vol. i; Charles Gayarré, *History of Louisiana* (New Orleans, 1903), vol. i; Henry L. Favrot, "The West Florida revolution," in Louisiana historical society, *Publications* (New Orleans, 1895), i: pt. 1, p. 37; L. Moreau Lislet, *Digest of the acts of the legislature of Louisiana* (New Orleans, 1828), vol. i; *Minute book of the board of selectmen, 1818-1820*.